UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,694	05/31/2000	Rosario A. Uceda-Sosa	POU9-2000-0020-US1	4786

7590   04/23/2003

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EXAMINER
WON, YOUNG N

ART UNIT	PAPER NUMBER
2155	6

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2000* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .   6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-27 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ben-

Shachar et al. (US 6209018 B1).

As per claims 1, 2, and 3, Ben-Shachar teaches a method, a system providing a

means for, and a program storage device readable by a machine, tangibly embodying at

least one program of instructions executable by the machine to perform a method of

managing connections (see col.3, lines 2-4) between clients and servers (see Fig.1) of a

distributed computing environment, said method, system, and program comprising:

determining, by a client of said distributed computing environment (see Col.2, lines 11-

17 and col.3, lines 5-9), that a server coupled to said client (see Fig.1), via a

communications protocol that lacks individualized timeouts for individual components of

said distributed computing environment (see col.2, lines 50-58), is unavailable to

process requests for said client (see col.31, lines 5-10), wherein said server is a

member of a group of a plurality of replicated servers (see Fig.29; col.3, lines 33-40 &

45-48; col.6, lines 15-16; and col.9, lines 12-15); and connecting said client to another

replicated server of said group (see col.21, lines 64-65 and col.23, lines 3-9) wherein

servers of said group lack knowledge of application-level information of a

communication session of said client (see col.2, lines 7-17 and col.8, lines 16-32).

As per claims 4, 12, and 20, Ben-Shachar further teaches wherein the

determining, is performed by a client request broker (see col.1, lines 66-67; col.2, lines

11-17; and col.3, lines 50-58).

As per claims 5-7, 13-15, and 21-23, Ben-Shachar further teaches wherein the

determining, comprises causing a plurality of ping messages to be sent to the server in

accordance with a dynamic ping interval (see col.18, lines 39-43 & 50-54).

As per claims 8, 16, and 24, Ben-Shachar further teaches wherein the dynamic

ping interval is based on a workload level of the server (see col.18, lines 43-46).

As per claims 9, 17, and 25, Ben-Shachar further teaches wherein the determining comprises determining that a predetermined number of the plurality of ping messages, have failed (see col.18, lines 50-60).

As per claims 10, 18, and 26, Ben-Shachar further teaches wherein the connecting comprises first determining that another replicated server is available (see col.9, lines 12-15; col.28, lines 42-57; and col.30, lines 26-28). It is inherent that when clones are employed for fault tolerance (see col.30, lines 8-9) and improving throughput by workload balancing (see col.29, lines 9-10) as in the system of Ben-Shachar, a determination is made of another replicated server that may service the request as long as that server is registered (see col.30, line 28).

As per claims 11, 19, and 27, Ben-Shachar teaches of further comprising: routing non-idempotent client requests from another replicated server to the server if the server is still part of the group (see col.29, lines 3-10); and sending results of processing the non-idempotent client requests to the another replicated server. It is inherent that when clones are employed for fault tolerance (see col.30, lines 8-9) and improving throughput by workload balancing (see col.29, lines 9-10) as in the system of Ben-Shachar, a determination is made of another replicated server that may service the request as long as that server is registered (see col.30, line 28).
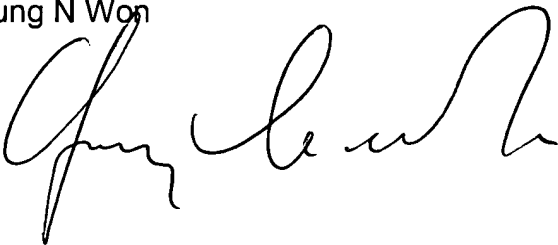
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 8AM-6PM.
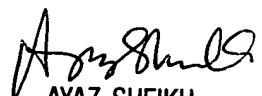
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Young N Won

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

April 17, 2003